

**Minutes  
Charter Review Committee Meeting  
Thursday, August 14, 2014  
Town Hall, Second Floor Conference Room**

Present: Betsey Anderson, Steve Hagan, Polly Herz, Amy Lloyd, Joanna Nickerson, Ed Pierce, Michael Rosenberg and Jan Shepard

Also Present: Meredith McCulloch for the Bedford Citizen

Absent: Anne Bickford

Committee Chair Betsey Anderson called the meeting to order at 7:30 p.m.

**Approval of Minutes of July 31, 2014**

Amendments to the minutes of July 31, 2014 were:

p.1: second to last line:

~~The Town Clerk confirmed that you~~ **One** must be qualified in order to become a registered voter **such as being a citizen at least eighteen years of age on election day.**

p.2: second to last paragraph, line one:

replace "amended" with "suggested an amendment to"

Ms. Shepard made a motion to approve the minutes of July 31, 2014 as amended. Seconded by Mr. Rosenberg. Voted 5-0-2 (Mr. Pierce and Ms. Herz abstaining and Ms. Lloyd arriving moments later)

**Public Input to Charter Review Process**

Ms. McCulloch, clarifying that she was commenting independently rather than for the Bedford Citizen, suggested the need for limitation on the number of terms a person can be chair of a committee. She raised the question of the meaning of "reorganize" – does it imply changing officers or simply voting on the same one willing to preside again. Mr. Pierce suggested that each committee should have its own procedure for reorganizing. Mr. Rosenberg noted that in interviewing candidates for appointment, the Selectmen always ask whether a candidate would be willing to become the chair.

**Reports from Members**

**Committees and Appointees to be Included in the Charter and/or in the Bylaws**

Ms. Anderson circulated a summary of officers, appointed boards and committees and elected boards specified currently in the Charter (Sections: 2.5, 2.8, 3.1, 3.3, 3.5, 4.1, 6.1, 6.2) and those included in the Bylaws (Sections: 31, 11, 29, 19, 20, 27, 33, 16, 18, 30, 34, 21, 6, 7, 8, 9, 10, 12, 14, 15, 13, 17, 22, 23, 24, 25, 26, 28, 32). A discussion ensued focusing on the rationale for inclusion in either or both documents. Mr. Rosenberg noted that the enabling legislation for HATS does not provide for staggered terms and

does not have to have four members and that these members are not “autonomous”. Members commented that in general the committees and appointees included in the Charter are pertinent to structure and those in the Bylaws for greater detail. There was consensus that ad hoc committees do not belong in the Charter, and also that the Hanscom Representatives should be included in the Bylaws, but not in the Charter.

#### **Deadline for submitting budgets to the Finance Committee (2-11)**

Ms. Anderson indicated she would ask the Finance Committee about the amendment proposed to give discretion to the Finance Committee re the timing of the deadline for submitting budgets, based on current practice.

#### **Volunteer Coordinating Committee Amendments (3-5)**

Ms. Anderson circulated a two-page proposal she drafted with Ms. Nickerson showing amended language for both Charter and Bylaw.

The proposed amended language would:

- clarify exceptions to the VCC responsibilities for recruitment of candidates
- delete responsibility to recruit for *all* appointive offices
- enlarge VCC to five rather than three members
- lengthen time period to supply list of candidates to ninety days rather than thirty days
- delete from the Bylaw requirement to submit list of three candidates (requirement is not in the Charter)
- add exception for recruiting sub committees unless the subcommittee is of the Selectmen.

Discussion about the proposal raised the question of whether the VCC is required to recruit when the Moderator appoints a temporary committee as authorized by a Town Meeting article. Also consensus was that the amended language would not prohibit VCC from assisting other boards and committees when requested.

#### **Recall (8-1 –8-5)**

Ms. Lloyd circulated a one page revision of Charter 8-1 through 8-5. In addition to clarification of language in general, two key changes being proposed were the number of days allowed for a recall petition to be returned to the Town Clerk (?change from 30 days to 21 days?) and the percentage of voters (change from 10% to 15%) required to sign the petition for recall.

Discussion around the # of days and the percentage included the following issues:

- Low percent (3%, 7.6%, 6%) of voters actually voting at recent local elections
- Needing to have a good reason to change the requirements i.e. (consistency with other municipalities) [only 50% of towns in MA have recall provisions, and 20% would be in synch with other towns].
- Seriousness (i.e. crime) needing a large percentage of voters for a recall

It was noted that only one recall (during a contentious period in 1979) had occurred, and it failed to remove the officer.

Ms. Shepard moved to change the language proposed in 8-2, line two of paragraph three to the 30<sup>th</sup> day (to return the petition) and in line three of paragraph three change the percentage to 20% (of registered voters required to sign), and to add the word “promptly” prior to deliver in the next to the last line of paragraph three of the draft, and to leave the word “qualify” in the first line of section 8-5.

It was voted 7-1.

#### Petitioners’ Warrant Articles (Section 2-7)

This section was noted as still needing to be reviewed by Town Counsel.

#### Section 2-11 (submission of budgets)

Ms. Anderson remarked that she will run this section by the Finance Committee with regard to 14.1 in the Bylaws.

Mr. Rosenberg moved and Ms. Herz seconded to recommend the amended language to 2-11. It was voted 8-0.

*n.b.-the proposed amended language adds the sentence “Exceptions to this date will be subject to the decision of the Finance Committee”*

#### Section 3-3 (Appointments)

It was agreed that the question of whether the Town Manager should be included in the Selectmen’s listing of appointments would be referred to Town Counsel.

#### Section 5-1 Town Manager, conditions of Office, Duties

Ms. Anderson reported on Ms. Buehler’s research on the Commonwealth’s Conflict of Interest Law, with regard to the time period that must elapse prior to appointment as Town Manager having been an elected official. (current charter language is 12 months and Conflict of Interest Law requires 30 days). Issues discussed were whether two years might provide a better safeguard and the opportunities for a Selectman having a good background. It was the sense of the committee to leave the time period at 12 months.

#### Procurement (5-1j)

It was the sense of the committee to leave the reference to Chapter 30B in its current placement within the paragraph.

#### Budget Preparation (Section 5-2)

Mr. Rosenberg moved and was seconded to replace the word “forthcoming” with “proposed” prior to the word budgets, in 5-2 sentence three. Voted 8-0.

#### Warrant distribution (Section 5-3)

It was noted that Town Counsel should be asked about the related bylaw which requires “mailing”.

Ms. Lloyd moved and it was seconded by Mr. Pierce to recommend in paragraph one first sentence replacing the phrase “place it in distribution” with “arrange for its distribution”. Voted 8-0.

Ms. Lloyd moved and it was seconded to replace the second paragraph language “a comment by the Selectmen and a comment by the Finance Committee” with “recommendations by the Selectmen and Finance Committee.”

Voted 8-0

M. Lloyd moved and it was seconded by Mr. Rosenberg to change the phrase “a comment” to “recommendations” in paragraph three of section 5-3. Voted 8-0.

#### 6-1 Finance Committee

Ms. Anderson circulated an outline for discussion at future meetings. It summarized information about the roles of the Finance Committee, the Selectmen and the School Committee re finances of town. Also it outlined the process for appointment to Finance Committees in various Massachusetts towns. The information was summarized from a 56 page document “A guide to Financial Management for Town Officials” published by the MA Department of Revenue, which was also distributed to the Committee.

Discussion followed regarding the workings of the Finance Committee with the School Committee noting certain special authority given the School Committee ; the public hearing it holds for its budget; the schools’ large percentage of entire town budget; ways in which the two committees operate including feeling at times of animosity over budgetary items.

With a motion and second, and a vote 8-0, the meeting was adjourned at 9:45.

Respectfully submitted,

Joanna Nickerson  
Recorder pro tem

Next Meeting: August 28, 2014

Minutes approved as written on August 28, 2014